

**BEFORE THE COMMISSIONER OF INSURANCE  
OF THE STATE OF KANSAS**

**In the Matter of the Kansas  
Resident Insurance Producer's  
License of NEIL LOSH  
NPN # 6114302**

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**Docket No. 92832**

**SUMMARY ORDER OF REVOCATION**

(Pursuant to K.S.A. 40-4909 and K.S.A. 77-501 *et seq.*)

Pursuant to the authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 40-4909 and K.S.A. 77-501 *et seq.*, the Commissioner hereby **REVOKES** the Kansas resident insurance producer's license of **NEIL LOSH** ("Respondent"). This Summary Order of Revocation shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for a hearing is made.

**Findings of Fact**

1. Respondent was licensed as a Kansas resident insurance producer on July 14, 1993, and is currently active.
2. Respondent's address of record is [REDACTED], Concordia, KS [REDACTED]
3. On March 2, 2022, the Kansas Insurance Department ("Department") received a Termination for Cause notice from American Family Mutual Insurance ("AFMI"), signifying that the Respondent had been terminated effective February 14, 2022.
4. AFMI's justification for the Respondent's termination was based on a substantiated fraud claim. Their investigation revealed that the Respondent had falsified proof of insurance coverage for a personal property loss.
5. On or about December 15, 2021, Respondent as an agent with AFMI completed an online application for insurance coverage with American Modern Property and Casualty Insurance

Company ("AMPC") for a property located at [REDACTED] in [REDACTED]. This policy was issued with coverage dates for this property from December 15, 2021, to December 15, 2022. Respondent was listed as the Agent as well as an Insured on the application for policy number [REDACTED]

6. According to a parcel search for [REDACTED], [REDACTED] is owned by [REDACTED] is owned by [REDACTED], the Respondent's wife, according to records of the Kansas Secretary of State.

7. On December 16, 2021, Respondent filed an insurance claim for damage due to a windstorm that occurred on December 15, 2021, to the property located at [REDACTED], [REDACTED], claim number [REDACTED]

8. Due to the timing of the claim in reference to the start of the coverage, a review was conducted of this policy. The adjuster from AMPC requested verification of the previous coverage for the property.

9. The Application for the policy indicated there had been no lapse in coverage of this property. Respondent forwarded the AMPC adjuster a document titled Evidence of Personal Lines Property and Liability Insurance showing the prior policy number [REDACTED] with AFMI with dates of coverage from December 15, 2020, to December 15, 2021.

10. After receiving this information, further inquiry was made to verify this coverage. AFMI advised that policy number [REDACTED] did cover loss for [REDACTED] in [REDACTED] [REDACTED] but it had been cancelled on August 29, 2015, due to non-payment. Further research indicated that the [REDACTED] was also previously covered under another policy with AMPC from May 13, 2020, until May 13, 2021. AFMI advised the document Respondent provided as proof of prior insurance coverage was invalid.

11. Respondent provided a statement regarding this issue. His statement was that when printing out the binder to prove the prior coverage, he simply forgot to put in the correct years. However, his statement contradicts his answer on the application for this coverage which reflected there was zero days in which the property was not covered. He instructed that he did not realize the mistake until he called AMPC on February 4, 2022. On February 5, 2022, he emailed the adjuster asking to close the claim.

12. Claim number [REDACTED] was denied based on the fraud and misrepresentation in connection with this claim perpetrated by the Respondent.

#### **Applicable Law**

K.S.A. 40-4909(a)(8) provides:

The Commissioner may deny, suspend, revoke, or refuse renewal of an insurance producer's license upon finding that Respondent has used any fraudulent, coercive, or dishonest practice, or demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

#### **Policy Reasons**

1. It is in the public interest that the license of a producer who has used fraudulent, coercive or dishonest practice or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business be revoked.

#### **Conclusions of Law**

1. The Commissioner has jurisdiction over **NEIL LOSH** as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

2. Pursuant to K.S.A. 40-4909(a)(8), the Commissioner finds that Respondent's Kansas resident insurance producer's license may be revoked because **NEIL LOSH** used fraudulent, coercive, or dishonest practice, or demonstrated any incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.

3. Pursuant to K.S.A. 40-4909(b), the Commissioner finds that the insurable interests of the public are not properly served under the Kansas resident insurance producer's license of **NEIL LOSH**.

4. Pursuant to K.S.A. 40-4909(a) and (b), the Commissioner concludes that sufficient grounds exist for revocation of the Kansas resident insurance producer's license of **NEIL LOSH**.

5. Pursuant to K.S.A. 40-4909(f)(3), the Commissioner has the jurisdiction and right to institute any disciplinary proceeding against the Kansas resident insurance producer's license of **NEIL LOSH**.

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:**

1. The Kansas resident insurance producer's license of **NEIL LOSH** is hereby **REVOKED** the effective date of this Order.

2. **IT IS FURTHER ORDERED** that **NEIL LOSH** shall **CEASE** and **DESIST** from the sale, solicitation or negotiation of insurance and/or receiving compensation deriving from the sale, solicitation or negotiation of insurance conducted after the effective date of this Order.

**IT IS SO ORDERED THIS** 28<sup>th</sup> **DAY OF** March **2023, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**



VICKI SCHMIDT  
COMMISSIONER OF INSURANCE

BY:   
Justin L. McFarland  
General Counsel

## NOTICE AND OPPORTUNITY FOR HEARING

**NEIL LOSH**, within fifteen (15) days of service (plus 3 additional days for mailing) of this Summary Order, you may file with the Kansas Insurance Department a written request for hearing on this Summary Order, as provided by K.S.A. 77-542. In the event a hearing is requested, such request should be directed to:

Mindy Forrer  
Kansas Insurance Department  
1300 SW Arrowhead Rd.  
Topeka, Kansas 66604

Or by e-mail at: [mindy.forrer@ks.gov](mailto:mindy.forrer@ks.gov)

Any costs incurred as a result of conducting any administrative hearing shall be assessed against the producer/agency who is the subject of the hearing as provided by K.S.A. 40-4909(f). Costs shall include witness fees, mileage allowances, any costs associated with reproduction of documents which become part of the hearing record, and the expense of making a record of the hearing.

If a hearing is not requested, this Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period (plus 3 additional days for mailing) for requesting a hearing. The Final Order will constitute final agency action on the matter.

In the event the Respondent files a petition for judicial review with the District Court, the agency officer designated pursuant to K.S.A. 77-613(e) to receive service of a petition for judicial review on behalf of the Kansas Insurance Department is:

Justin L. McFarland, General Counsel  
Kansas Insurance Department  
1300 SW Arrowhead Rd.  
Topeka, Kansas 66604

Pursuant to K.S.A. 77-607 and 77-612, exhaustion of administrative remedies is a jurisdictional prerequisite to seeking judicial review.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she served the above and foregoing Summary Order on this 28<sup>th</sup> day of March, 2023, by causing the same to be deposited in the United States Mail, certified, addressed to the following:

**Neil Losh**



And via email:



A handwritten signature in blue ink, appearing to be 'SC', written over a horizontal line.

Sarah Cowan  
Legal Assistant